



May 8, 2019

Rocky Mountain Resources - Operator
4601 DTC Blvd., Suite 120
Denver, CO 80237
ATTN: Gregory M. Dangler, President

Larry Sandoval
Field Manager
Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652

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NOTICE OF VIOLATION – RES No 82-222 & AMENDED RES No 2009-97

To Whom It May Concern,

On April 22, 2019, the Garfield County Board of County Commissioners (“the BOCC”) held a public review, as provided for in Resolution No. 2009-97, Item (b)(2). “The purpose of [the Public Review] **shall be to determine compliance or non-compliance** with any performance requirements associated with the granting of the Land Use Change Permit.” At that meeting the BOCC determined, based on evidence provided by Staff, representations made by Rocky Mountain Resources (RMR), and public input, that RMR is not operating the mine in compliance with the approvals granted via Resolution No. 82-222 and Amended Resolution No. 2009-97. The location of the violations is, 1001 Transfer Trail, Glenwood Springs 81601. Parcel Number 211935200957.

Under Article 12-102 (c) of the LUDC it is unlawful to excavate land, or alter and change the use of real property in a way inconsistent with, or not in accordance with the terms and conditions of any land use approvals, or building permits granted by the BOCC pursuant to the terms of the LUDC. Under Section 12.00 of the Garfield County Zoning Resolution of 1978, as amended, it is unlawful to use any land in violation of any regulation in, or provisions of this Zoning Resolution or any amendment hereof.

Based upon the evidence available to the Garfield County Community Development Department, including evidence presented during the April 22, 2019 hearing, RMR's current operations are not in accordance with the BOCC's conditions of approval for Resolution No. 82-222 and Amended Resolution No. 2009-97, as follows:

1. The size of the current operation exceeds the permitted 16.3 acres. (Resolution No. 2009-97 (B) (1)).
2. The operator is extracting and selling materials outside of the original approvals. (Resolution No. 2009-97 (B) (1)). The approvals granted via Resolution No. 82-222 and No. 2009-97 are for the extraction, processing and sale of limestone dust to be used in coal mines and coal fired power plants. RMR has been extracting, processing, and actively marketing various types of materials primarily used in construction of roads and retaining walls.
3. The Operator has been crushing rock within the December 15 to April 15 operation restriction. . (Resolution No. 2009-97 (B) (7)).
4. The required Maintenance Plan has not been adhered to. Resolution No. 2009-97 (B) (11) (Resolution No. 2009-97 (B) (1)). The required Road Maintenance Plan submitted to the County to meet the requirement of Resolution No. 2009-97, Condition (B) (11), was in the form of an Agreement between Cal X (then Owner of the Mine) and Glenwood Tramway LLC (Owner of the Glenwood Caverns Adventure Park), titled, *Mid-Continent Quarry and Transfer Trail Operations Agreement*. Steve Beckley, Managing Member of Glenwood Tramway, LLC has notified the County that RMR has not adhered to Section 2 of the Agreement relating to minimizing noise levels by enclosing the milling operations, and requiring the utilization of "discriminating" alarms on its rolling stock, Section 3 relating to radio usage on Transfer trail and Section 7 having to do with complying with the provisions of Garfield County Resolutions Nos. 2009-97 and 82-222.
5. The Operator drilled several exploratory holes for dolomite. This activity was not contemplated in the original approvals, nor authorized by Resolution No. 2009-97 or No. 82-222. (Resolution No. 2009-97 (B) (1)).

Correction and Remedy:

You are hereby given notice, pursuant to Article 12 of the LUDC and as per direction from the BOCC at the public meeting held April 22, 2019, you have till June 1, 2019 to completely correct the violations or cease and desist from continuing the condition in violation. Under Article 12 of the LUDC, your failure to correct or cease the violations on your property may result in one or more of the following enforcement actions being taken against you:

1. Revocation of any building permits issued for improvements of the subject property;
2. Denial of additional land use approvals or building or other development applications pertaining to the subject property;
3. Suspension of any land use approvals for the subject property;
4. Withdrawal of any development permits that are being violated;
5. Forfeiture of any vested property rights;
6. Criminal enforcement;
7. County court civil penalties;
8. Civil lawsuit.

You have the right to appeal this Notice of Violation, pursuant to the provisions of the Garfield County LUDC. Garfield County Building and Zoning regulations, Enforcement Protocol and permit application forms are available at www.garfield-county.com in the Community Development directory.

If you have any questions regarding what actions are required to achieve compliance, or you wish to report compliance action taken, please contact this office in writing at the address below or by E-mail sbower@garfield-county.com

Respectfully,



Sheryl L. Bower, AICP
Community Development Director
Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, CO. 81601
970-945-1377 Ext. 1605

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